G. R. S. App. F. IX-4]

Previous References.

1941

(cls)

File No. 297-41

Serial Nos. 1-2

Later Refer

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for July 1942

SUBJECT.

Amendment to paragraph 471 of the Civil Rules of Practice and Circular orders Vol. I so as to prevent the delay in preparing and issuing of proceedings -

G.O. No. P. 465 dated 20th July 1942

General and Revenue Secretariat | C/ File No. 297 of 1941 | [App. F. III—2

Serial No.

From

The Registrar High Court

Roc No 1423/41-42 Dt 4.6.1942

1 Requests Sanction to amend paragraph 47. of the Civil Rules of Practice and Circular orders Vol I. So as to prevent the delay in preparing and issuing of processes.

Submitted with a draft of a G.O. for approval or other orders

JUL 15 1942 No 547

SECY. LAW DEPT. 5-3 1942 GOVT OF MYSORE

may be approved

Law Secretary 3/41

Com 47

3/

May be approved

Minister for Law 14-7-42

3/1417

Secy 15/7

Copy to 1

Secy 3/1417

To

2 The Registrar High Court

G.O. No P 465 Dated 20.7.1942

Accords Sanction to amend paragraph 47 of the Civil Rules of Practice and Circular Orders Vol I

B

NOTE—Contra sheet.

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R. O. C. No. 1423/41-42
B. Dis.
Enc: one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 3 June *1942.*

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GEN. & REV. SECRETARIAT. 5 JUN 1942 PROTECTION BRANCH.

FROM

D.L.ACHARYA, Esq., B.A.,
~~T. SHAMIENGAR, Esq., B.A., B.L.,~~
Registrar, High Court of Mysore.

To

C. NARAYANASWAMY NAIDU, Esq., B.A., B.L.,
Secretary to Government, Law Department,
B A N G A L O R E.

SECY. LAW DEPT. 4 JUNE 1942 GOVT OF MYSORE

No 5164

SIR,

I am directed to state that when inspecting some subordinate Civil Courts the Chief Justice found that Register No.XX (Register of Processes) was not being kept in a way which made it of use to the Judge in enabling him to see whether there was delay in preparing and issuing processes. In many instances a process can and should be issued as soon as it is applied for, provided the process fee and batta (if any) have been paid. In some instances some order of the Court is required before a process can be issued - eg., a plaint or appeal has to be admitted and summonses to defendants or notices to respondents, even if applied for, cannot be issued before admission has been ordered, and there are many other instances in which an order of the Court is required before a process applied for can be issued. But that need not prevent general instructions being issued which will make Register No.XX of use to disclose delay in regard to processes which should have been prepared, or issued or have been prepared or issued after delay. In many courts at present delay before the processes is even entered in Register XX is not disclosed by that Register and often goes unnoticed. In many Courts processes are entered in Register XX only when delivered or despatched, and an entirely false appearance of promptness is so given.

The Judges of the High Court are of opinion that suitable instructions should be issued so that the Judges or Head Ministerial Officers will be able to see at a glance in respect of what processes

there

there has been delay and the extent of the delay, for which the Register as at present without those instructions is of no use. It is proposed to issue those instructions as an amendment to paragraph 471 of the Civil Rules of Practice and Circular Orders Vol.I in the form set out in the enclosure.

I am to request the Government to accord sanction to the proposed amendment.

I have the honour to be,

Sir,

Your most obedient servant,

DEPUTY REGISTRAR.

MSN

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CIVIL SIDE.

Amendment dated Paragraph 471 of the Civil Rules of Practice and Circular Orders Volume I (1936)

Under Section 130 of the Code of Civil Procedure, the High Court (with the previous sanction of Government) hereby directs that for the first sentence of paragraph 471 of the Civil Rules of Practice and Circular Orders, Volume I, (1936) the following be substituted:-

"Register XX (Register of Processes) shall be maintained in accordance with the following instructions, viz.-

(1) At the beginning of each working day a line should be drawn horizontally right across the page below the last entry in Column I

(2) Below that line the date should be written across the page in red ink.

(3) Below that entry of the date every process for which the necessary process fee and batta (if any) is paid that day should be entered in order in Column I with the necessary particulars in Columns 2 to 7 on that day except processes for the issue of which some order of the Court is necessary e.g. summonses to defendants or notices to respondents on plaints and appeals not yet admitted or any process for which the order of the Court is required or a date has to be fixed by the Court.

(4) If a process is applied and paid for before an order of the Court necessary for its issue has been obtain it should be entered in Column I with the necessary particulars in Columns 2 to 7 immediately the order of the Court on which it can be issued is made.

(b) As soon as a process is delivered or despatched the date of that should be entered in Column 8.

(These instructions will be printed inside the cover of th

DEPUTY REGISTRAR.

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G. R. S. App. F VI—G 2]

SUBJECT .....

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Diary No. of letter replied to .....

Section. els

File No. 2-97-41

Serial No. 2

General and Revenue Secretariat

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the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 20-7-42 193

Read—

Signed by ..... Mr. K.P.P.

Letter No RoC 1423/41-42 dtd. 6 1942 from the Registrar High Court of Mysore requesting Sanction to amend paragraph 471 of the Civil Rules of practice and Circular orders ~~Order thereon. No.~~ Vol I as indicated in the appended Statement

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

Read:-

Letter No.R.O.C.1423/41-42 dated 4-6-1942 from the Registrar, High Court of Mysore requesting sanction to amend paragraph 471 of the Civil Rules of practice and Circular Orders Volume I as indicated in the appended statement.

ORDER NO. Mel. P465-Ch 297-41-2

Dated, Bangalore, the 20th July 1942.

S A N C T I O N E D.

for Secretary to Government,
Law Department.

To

The Registrar, High Court of Mysore.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CIVIL SIDE.

Amendment dated to paragraph 471 of the Civil Rules of Practice and Circular Orders Volume I (1936)

Under Section 130 of the Code of Civil Procedure, the High Court (with the previous sanction of Government) hereby directs that for the first sentence of paragraph 471 of the Civil Rules of Practice and Circular Orders, Volume I, (1936) the following be substituted:-

"Register XX (Register of Processes) shall be maintained in accordance with the following instructions, viz.-

(1) At the beginning of each working day a line should be drawn horizontally right across the page below the last entry in Column I.

(2) Below that line the date should be written across the page in red ink.

(3) Below that entry of the [illegible] process for which the necessary process fee and batta (if any) is paid that day should be entered in order in Column I with the necessary particulars in Columns 2 to 7 on that day except processes for the issue of which some order of the Court is necessary, e.g. summonses to defendants or notices to respondents on plaints and appeals not yet admitted or any process for which the order of the Court is required or a date has to be fixed by the Court.

(4) If a process is applied and paid for before an order of the Court necessary for its issue has been obtained, it should be entered in Column I with the necessary particulars in Columns 2 to 7 immediately the order of the Court on which it can be issued is made.